

BOSTON REDEVELOPMENT AUTHORITY

REPORT AND DECISION ON THE APPLICATION FOR
AUTHORIZATION AND APPROVAL OF A PROJECT UNDER
CHAPTER 121A OF THE MASSACHUSETTS GENERAL LAWS
(TER. ED.), AS AMENDED, AND CHAPTER 652 OF THE
ACTS OF 1960, AS AMENDED, AND FOR CONSENT TO
THE FORMATION PURSUANT TO SAID CHAPTER 121A OF
AN URBAN REDEVELOPMENT LIMITED PARTNERSHIP UNDER
THE NAME OF RESERVOIR TOWERS ASSOCIATES FOR THE
PURPOSE OF UNDERTAKING AND CARRYING OUT THE PROJECT.

A. The Hearing. A public hearing was held at 2:30 P. M., on
September 25, 1975, in the offices of the Boston Redevelopment
Authority (hereinafter called the "Authority") at the New City Hall,
Room 921, Boston, Massachusetts, by the Authority on an Application
(hereinafter called the "Application") filed by Reservoir Towers
Associates by Gerald Schuster, Trustee of Continental Shelter Corp.
Trust, the General Partner and Continental Shelter Corp., a Massachusetts
Corporation, and J. Ralph Cole, its limited partners, (hereinafter
called the "Applicants") for authorization and approval of a redevelopment
project under Chapter 121A of the General Laws of Massachusetts (Ter. Ed.),
as amended, and Chapter 652 of the Acts of 1960, as amended,
(hereinafter called the "Project"), and for consent to the formation
of a Chapter 121A Limited Partnership under the name of Reservoir Towers
Associates, for the purpose of undertaking and carrying out the Project,
due notice of said hearing having been given previously by publication
on September 9, 1975 and September 16, 1975, in the Boston Herald
American, a daily newspaper of general circulation published in Boston,

and mailing appropriate notices, postage prepaid, in accordance with the provisions of Rule 8 of the Rules and Regulations of the Authority for securing the approval of Chapter 121A Projects (the "Regulations") and Section 13 of Chapter 652 of the Acts of 1960, as amended.

Robert L. Farrell, Chairman of the Authority, and James G. Colbert, Joseph J. Walsh, Paul J. Burns, and James K. Flaherty, members of the Authority, were present throughout the hearing.

B. The Project. The Project consists of the construction, operation and maintenance by a limited partnership regulated under Chapter 121A of approximately 242 dwelling units, consisting of 183 one-bedroom units and 59 two-bedroom units. In addition, the building will contain commercial space consisting of banking and recreational facilities, with 21 on-grade parking spaces and 63 underground parking spaces.

The makeup and design of the Project are fully shown on the Plans filed with the Application.

C. Authority Action. In passing upon the Application, the Authority has considered the Application itself, all documents, plans and exhibits filed therewith or referred to therein, the oral evidence presented at the hearing, the exhibits offered in evidence at the hearing and the arguments and statements made at the hearing. The members of the Authority have also viewed the Project Area.

D. Project Area Blighted, Open and Decadent Area. The Project as defined in the Application constitutes a "Project" within the meaning of Section 1 of Chapter 121A of the General Laws, providing as it does,

or the construction, operation and maintenance in a blighted, open, decadent, or substandard area of decent, safe, and sanitary residential buildings and appurtenant facilities.

(a) The Project Area consists of land which was last used as parkland by the Parks and Recreation Commission of the City of Boston prior to 1945, and since then, except for subsequent casual use for gardening purposes, has not been utilized to any purpose whatsoever, the existence of which is detrimental to the safety, health, morals, welfare and sound growth of the community in which it is situated. Loam has been moved from the sites to a nearby equally convenient site for continued casual gardening use by residents of the area.

(b) Within the Project Area and the area immediately surrounding the Project Area, there has occurred a substantial change in business and economic conditions which make it improbable that the area will be redeveloped by the ordinary operations of private enterprise. Among the adverse factors affecting the Project Area is the existence of a substantial amount of ledge. As an incident of conventional development, there would be the requirement of blasting ledge to a depth of at least 20 feet to provide for an adequate number of parking spaces, and the disproportionate cost would render any such conventional development unfeasible. However, the orientation of the proposed project toward residence by the elderly substantially reduces the number of parking spaces that would be required and thereby eliminates the unsupportable expenses of extensive blasting.

The Applicant has provided evidence by Memorandum of Law of the existence of substantial ledge formation.

These conditions warrant the carrying out of the Project in accordance with the legislative mandate contained in Chapter 121A of the General Laws and the Application constitutes a Project within the meaning of that law. The purposes of Chapter 121A and Chapter 652 of the Acts of 1960 will be met by this Project. The demand for decent, safe and sanitary housing for elderly persons and for families at rentals below those which the conventional operations of the real estate market produce is, as a matter of common knowledge, intense in this area of the City. Long waiting lists face any elderly person who seeks admission to existing public housing for elderly projects. Construction of substantial and handsome structures will serve to alleviate this intense demand and will, in addition, encourage the conservation and improvement of an area of a substantial number of dwellings located adjacent to the Project Area. The Project will provide adequate financial return to the City of Boston. Exhibit "6A Contract" of the Application sets forth the amounts to be paid by agreement to the City of Boston in addition to the excise tax prescribed by Section 10 of Chapter 121A. This Exhibit is attached only for illustrative purposes and the approval of this Report and Decision does not bind the City or the Developer to the terms and conditions of the Exhibit.

E. Cost of the Project. In the opinion of the Authority, the minimum cost of the Project has been realistically estimated in the Application and the Project is practicable. The estimated minimum construction cost of

the Project is \$9,669,244.00. The Massachusetts Housing Finance Agency has issued a commitment to provide permanent financing in the amount of \$8,702,320.00, which amount is ninety (90%) percent of the total cost of the Project. The Application contains a form of Partnership Agreement which illustrates in a general manner the organizational framework of the Partnership to be called Reservoir Towers Associates. Experience with similar financing and organizational methods persuades the Authority that the financing program is realistic.

The feasibility of the Project is based upon the financial commitment made by the Applicants which requires them to provide equity financing for the Project, the market established by the need for elderly housing in the area, and the mortgage financing to be made available by the Massachusetts Housing Finance Agency, or possibly other institutional lender, to finance the Project.

F. Consistency with Master Plan. The Project does not conflict with the Master Plan for the City of Boston.

G. Effect on the Project. The Project will not be in any way detrimental to the best interests of the public or to the City or to the public safety or convenience, nor will it be inconsistent with the most suitable development of the City. The Project will, in fact, forward the best interests of the City and will constitute a public use and benefit. The residential structure to be erected on the Project Area is efficiently designed, with ample light and air and appurtenant space, and will furnish attractive and most necessary living accommodations.

The carrying out of the Project will replace the present blighted conditions of the Project Area with suitable accommodations for elderly individuals and elderly couples, and economic as well as physical integration into the community will result from the availability of the housing. The Plans for the Project and its operation have been reviewed by the Massachusetts Housing Finance Agency and the Authority's Design Review Staff and will be subject to further design review of the Authority.

The carrying out of the Project will not involve the destruction of existing structures occupied in whole or in part as dwellings.

The Project Area does not include land within any location approved by the State Department of Public Works for the Extension of the Massachusetts Turnpike into the City of Boston.

The carrying out of the Project will not require the grant of a permit for erection, maintenance, and use of a garage within five hundred (500') feet of one or more buildings occupied in whole or in part as public or private hospital having more than twenty-five (25) beds, or as a Church. However, the carrying out of the Project will require the grant of a permit for the erection, maintenance and use of a garage within five hundred (500') feet of one or more buildings occupied as a public school, at Alexander Hamilton Grammar School. Such garage will not, however, be substantially detrimental to any such school, hospital or Church, since the garage and its facilities will be operated so as to prevent the emission of objectionable noise, fumes and odors, and will not interfere substantially with the flow of traffic on adjoining streets.

The Project does not involve the construction of units which constitute a single building under the Boston Building Code and Zoning Laws, and the carrying out of the Project will not require a declaration by the Authority with the approval of the Mayor of the City of Boston that such units constitute separate buildings for the purpose of Chapter 138 of the General Laws.

H. Minimum Standards. The minimum standards for financing, construction, maintenance, and improvement of the Project as set forth in Exhibit C filed with and attached to the Application are hereby adopted and imposed as rules and regulations (in addition to those hereinafter adopted and imposed) applicable to this Project for the same period as the Project is subject to the provisions of Chapter 121A of the General Laws and Chapter 652 of the Acts of 1960, as amended.

In addition to the minimum standards set forth in Exhibit C, the Authority hereby requires that the Applicant, prior to obtaining a building permit, (1) enter into a Regulatory Agreement with the Authority pursuant to the requirements of General Laws, Chapter 121A, Section 18C and containing such other terms and conditions as the Authority may in its discretion deem necessary and appropriate; (2) submit to the Authority for its review and approval such Final Plans and Specifications for the Project as the Authority may require, and accept such changes and modifications thereto as the Authority may deem necessary or appropriate; and (3) adhere to such Design Review Controls and Requirements as the Authority may in its discretion impose.

I. Environmental Considerations. In conformance with the provisions Sections 61 and 62 of Chapter 30 of the General Laws (as inserted by Chapter 781 of the Acts of 1972), and the Regulations thereunder as adopted by the Authority on April 11, 1974, the Authority has made an environmental analysis evaluating the Project, which contains findings which the Authority hereby adopts, among which are:

1. The Project does not adversely affect any recreational areas or any aesthetic value in the surrounding area.
2. The Project will not adversely affect natural or man-made features.
3. The Project does not adversely affect archeological or historic features, or structures.
4. The Project does not affect the potential-use, extraction, or conservation of a scarce natural resource.
5. The Project Area serves no rare or endangered wildlife or fish species.
6. The site is urban and contains no significant fish, wildlife, or plant life.
7. The Project will require deviations from the Boston Zoning Code as further detailed herein, but not in such manner as will cause damage to the environment.
8. The Project does not involve the disposal of potentially hazardous materials.
9. The Project does not involve the construction of facilities in a flood plain.
10. The Project, except necessarily during the construction phase, does not result in the generation of a significant amount of noise or dust.

11. The Project does not result in a serious deleterious effect on the quality of any portion of the State's air or water resources.
12. The Project does not adversely affect an area of important scenic value.

Therefore the Authority concludes that the Project will cause only minimal damage to the environment, and that all feasible measures have been taken to avoid or minimize said impact. The Environmental Assessment Form for this Project was received by the Authority and submitted to the Secretary of Environmental Affairs for publication. The Authority hereby determines that the Project will not cause any significant environmental damage and finds that no other action must be taken.

J. Deviations. Exhibit C filed with and attached to the Application lists the Boston Zoning Code Deviations required for Project construction. For reasons set forth in the Application and supporting documents, including said Exhibit C, and in evidence presented at the hearing, and in this Report, the Authority hereby finds that each and every one of the permissions hereinafter granted is reasonably necessary for the carrying out of the total Project and may, subject to such conditions as are hereafter set forth with respect thereto respectively, be granted without substantially derogating from the intent and purposes of the applicable laws, codes, ordinances and regulations, respectively; and the Authority is also satisfied by reliable and generally accepted tests, or by experience in other cities that the other design, construction, materials, apparatus, equipment or methods specified in the Application and supporting documents, including Exhibit C, and in the evidence presented at the hearing, will sufficiently satisfy the purposes for which it or

they are to be used and the purposes of the applicable laws, codes, ordinances, or regulations, respectively.

In summary, permission is granted to deviate from the following provisions of the Boston Zoning Code.

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| Article 8 | Deviation from all restrictions and conditions pertaining to use of a building for medical purposes to allow approximately 3,800 square feet of the total or approximately 21,500 square feet of the first floor space to be used for medical, dental or other professional purposes. |
| Article 11 | Deviation from restriction on the size of sign attached to a building or to a rod or post in a residential district to allow a sign identifying the building which will not exceed 10 square feet in area. |
| Article 18 | Deviation from the requirement that front yard minimum depth be 15 feet in an H-3 district; proposed condition to allow for a minimum front yard depth of 8 feet at the southwest corner of the site on Commonwealth Avenue. |
| Article 18 | Deviation from front yard requirement so as to allow for parking up to five feet from Commonwealth Avenue lot line. |
| Article 19 | Deviation from side yard requirement so as to allow for parking up to five feet from west lot lines. |
| Article 21 | Deviation from all minimum parapet setback requirements; proposed condition to allow for a minimum parapet setback of 8 feet in all instances. |
| Article 23 | Deviation from off street parking requirements to allow a minimum of 84 parking spaces for the use of all 242 residential units, which include 145 for low income elderly, and approximately 3,800 square feet used for medical purposes. |

Article 23

Deviation from the design requirement that each car space for off street parking be no less than 8-1/2 feet in width and 20 feet in length to allow for minimum space of 8 feet in width and 15 feet in length for use of compact cars in 30 parking spaces.

